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6 Attorney for Defendant  
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13 UNITED STATES DISTRICT COURT  
14 SOUTHERN DISTRICT OF CALIFORNIA  
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19 UNITED STATES OF AMERICA, ) Case No. 08cr1436-LAB  
20 )  
21 Plaintiff, ) **NOTICE OF MOTION**  
22 ) **AND**  
23 v. ) **MOTION FOR DISCOVERY**  
24 )  
25 DOMINICK SMITH, ) Date: 6/16/08  
26 ) Time: 2:00 p.m.  
27 Defendant. ) Court: Judge BURNS  
28 )  
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29 TO: KAREN P. HEWITT, U.S. Attorney and to  
30 STEVEN D. DeSALVO, Assistant U.S. Attorney  
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34 PLEASE TAKE NOTICE that on June 16, 2008 at 2:00 p.m. or  
35 as soon thereafter as counsel can be heard, in the courtroom of  
36 the Honorable LARRY ALAN BURNS United States Courthouse, 940  
37 Front Street, San Diego, California, defendant, by and through  
38 his attorney, FRANK M. MURPHY, III, will move the court for an  
39 order for discovery in the above-entitled matter as set forth in

1 detail in the attached Statement of Facts and Memorandum of  
2 Points and Authorities. This motion will be made pursuant to  
3 *Federal Rules of Criminal Procedure 12 and 16* and will be based  
4 upon the files and records in this case, this Notice of Motion  
5 and Motion together with the accompanying Memorandum of Points  
6 and Authorities and on such oral and documentary evidence as may  
7 be presented at the hearing thereof.

8  
9 Dated: May 24, 2008  
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11  
12 s/FRANK M. MURPHY, III  
13 Attorney for Defendant  
14 E-mail: fmlaw@san.rr.com

15 **MOTION**  
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17 Defendant, DOMINICK SMITH, by and through his attorney,  
18 FRANK M. MURPHY, III, hereby moves the court for an order for  
19 discovery as set forth in the accompanying Memorandum of Points  
20 and Authorities.

21 The motions are made pursuant to *Federal Rules of Criminal*  
22 *Procedure 12 and 16*.

23 The motions are based upon this Notice of Motion, the  
24 accompanying Statement of Facts and Memorandum of Points and  
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1 Authorities, the files and records in this matter and on any  
2 other oral or documentary evidence which may be produced before  
3 of during the hearing of said motions.  
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5 Dated: May 24, 2008  
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7 Respectfully submitted,  
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10 s/Frank M. MURPHY, III  
11 Attorney for Defendant  
12 E-mail: fmlaw@san.rr.com  
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